IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : R.S.A.No.2468 of 2003
Date of Decision : November 28, 2006.

Sher Singh ..... Appellant

Vs.

State of Punjab and another ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.Sanjeev Sharma, Advocate
for Mr.D.S.Rajput, Advocate
for the appellant.

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P.S.Patwalia, J. (Oral) :

The present Regular Second Appeal has been filed by the plaintiff against concurrent findings recorded by the courts below. The plaintiff had filed a suit claiming compassionate appointment on account of the death of his uncle Constable Sukhwinder Singh. He claimed to be the adopted son of Shri Sukhwinder Singh who had died on 7.6.1996. The trial court has found that the plaintiff could not establish on facts that he was actually the adopted son of Constable Sukhwinder Singh. On his matriculation certificate and and all other certificates his natural father had been recorded as his father. The trial court has even found that Sukhwinder Singh had nominated his real father as his nominee for all service benefits and had not nominated the plaintiff as his nominee for official and service benefits whatsoever. On this basis a finding of fact has been recorded that the plaintiff could not prove himself to be the legally adopted son of Sukhwinder Singh. This finding has been affirmed by the Lower Appellate

Court. I find no error in the firm findings recorded by the courts below so as to warrant interference by way of this Regular Second Appeal.

Even otherwise it may be noticed that Sukhwinder Singh had died in the year 1996. The claim for compassionate appointment at this stage would even otherwise be not made out. The Hon'ble Supreme Court has consistently held that a claim for compassionate appointment is meant to tide over the immediate financial crisis of the family due to sudden death of bread winner and compassionate appointment can not normally be granted after a gap of a number of years.

I therefore find no merit in this Regular Second Appeal and the same is accordingly dismissed.

November 28, 2006 (P.S.Patwalia)
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